

COMMISSIONERS APPROVAL

GRANDSTAFF *Cg*

ROKOSCH

THOMPSON *AT*

CHILCOTT *g*

DRISCOLL *CD*

PLETTENBERG (Clerk & Recorder)

Members Present..... Commissioner Carlotta Grandstaff,
Commissioner Alan Thompson, Commissioner Greg Chilcott and Commissioner
Kathleen Driscoll

Date.....March 25, 2008

Minutes: Beth Perkins

► The Board met for public meeting for Hayes Variance Request 5-5-5A Subdivision
regulations. Present were Planner Randy Fifrick, Civil Counsel Karen Mahar,

Commissioner Grandstaff called the meeting to order and requested the Planning Staff
Report be read.

Randy presented the Staff Report as follows:

**HAYES VARIANCE REQUEST
FOR A FUTURE HAYES FIRST MINOR SUBDIVISION APPLICATION**

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: Randy Fifrick

**REVIEWED/
APPROVED BY:** John Lavey

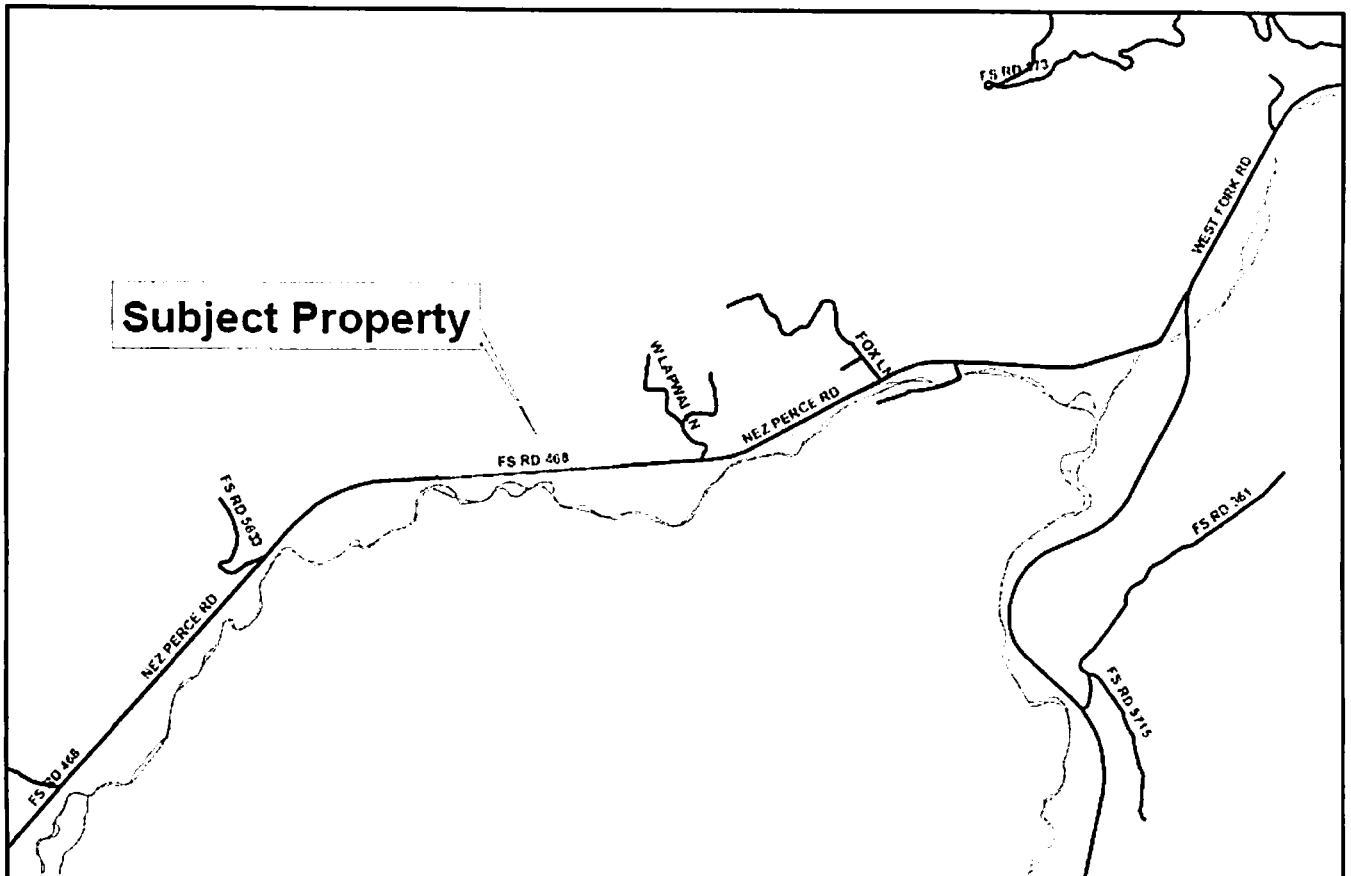
**PUBLIC HEARINGS/
MEETINGS:**

BCC Public Meeting:
Deadline for BCC action:

9:00 a.m. March 25, 2008
April 7, 2008

SUBDIVIDER/OWNER: Salleye Hayes
7195 Nez Perce Road
Darby, MT 59829

LOCATION OF REQUEST: The property is located southwest of Darby off of Nez Perce Road. (See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

A parcel, located in the NE $\frac{1}{4}$ of Section 35, T1N,
R22W, P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The variance application was determined sufficient on February 15, 2008. Agencies were notified of the variance on February 19, 2008 and comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-4 of the staff report. **This variance is being reviewed**

under the subdivision regulations amended May 24, 2007.

LEGAL NOTIFICATION: Notice of the project was posted on the property and adjacent property owners were notified by regular mail postmarked February 19, 2008. No public comments have been received to date.

**DEVELOPMENT
PATTERN:**

Subject property:	Low-Density Residential
North:	National Forest
South:	Low-Density Residential
East:	National Forest
West:	Low-Density Residential

INTRODUCTION

The property is accessed via US Highway 93 to West Fork Road to Nez Perce Road. The applicant is requesting a variance from Section 5-5-5 (a) of the Ravalli County Subdivision Regulations, which would require the applicant to establish at least two routes outside of the high-fire hazard area. Currently, there is only one route leading to the property.

The variance request was submitted ahead of the subdivision application. The applicant will propose a two-lot minor subdivision of 62.6 acres if the variance request is approved.

Staff recommends denial of the variance request.

**RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS
MARCH 25, 2008**

**HAYES VARIANCE REQUEST
FOR A FUTURE HAYES FIRST MINOR SUBDIVISION APPLICATION**

RECOMMENDED MOTION

That the variance request from Section 5-5-5(a) of the Ravalli County Subdivision Regulations, which requires the applicant to establish at least two routes outside of the high-fire hazard area, be ***denied***, based on the findings of fact and conclusions of law in the staff report.

VARIANCE REQUEST

The applicant is requesting a variance from Section 5-5-5 (a) of the Ravalli County Subdivision Regulations, which would require the applicant to establish at least two routes outside of the high-fire hazard area.

Variance Analysis

Section 7-3-5(a), RCSR, outlines two sets of criteria to be used in analyzing a variance request.

Prerequisite Variance Criteria

In order for a variance to be considered for approval, the BCC must first determine that the variance request meets these stipulations:

1. Strict compliance with these regulations will result in undue hardship.
2. Compliance is not essential to the public welfare.

Variance Review Criteria

If and only if a positive determination is made on both of the prerequisite criteria, the BCC may then consider the variance for approval, based on the five variance review criteria:

- A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.
- B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.
- C. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).
- D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.
- E. The variance will not cause a substantial increase in public costs.

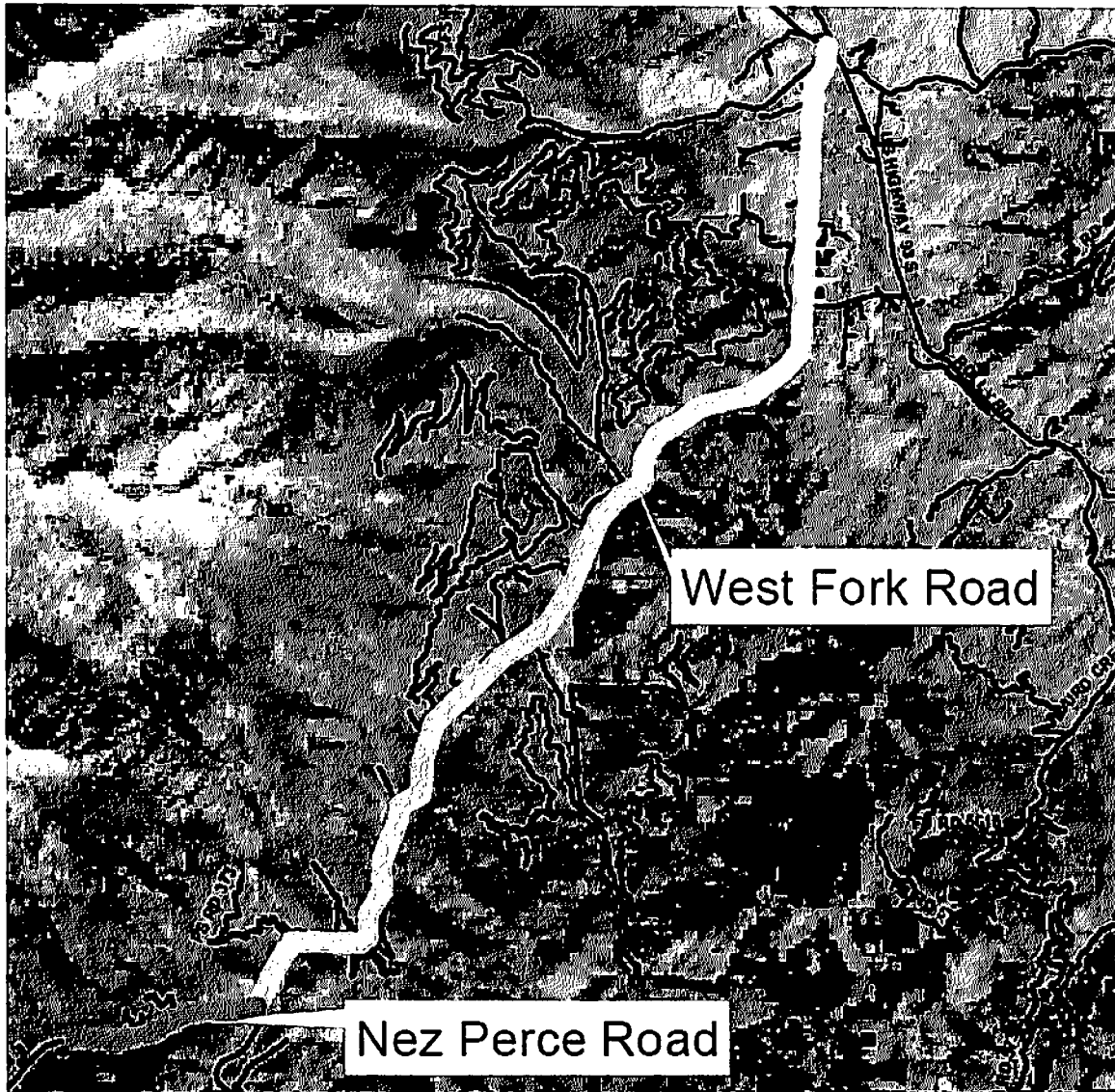
Both sets of criteria were reviewed simultaneously. Findings for Prerequisite Criterion #1 are based on an analysis of Variance Review Criteria B and C. Findings for Prerequisite Criterion #2 are based on an analysis of Variance Review Criteria A, D, and E.

Five Variance Review Criteria

- A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.**

Findings of Fact:

1. Wildland fire events are common in the county. (RCSR 5-5-1(1))
2. The development is located approximately 23 miles southwest of the town of Darby. (RC GIS)



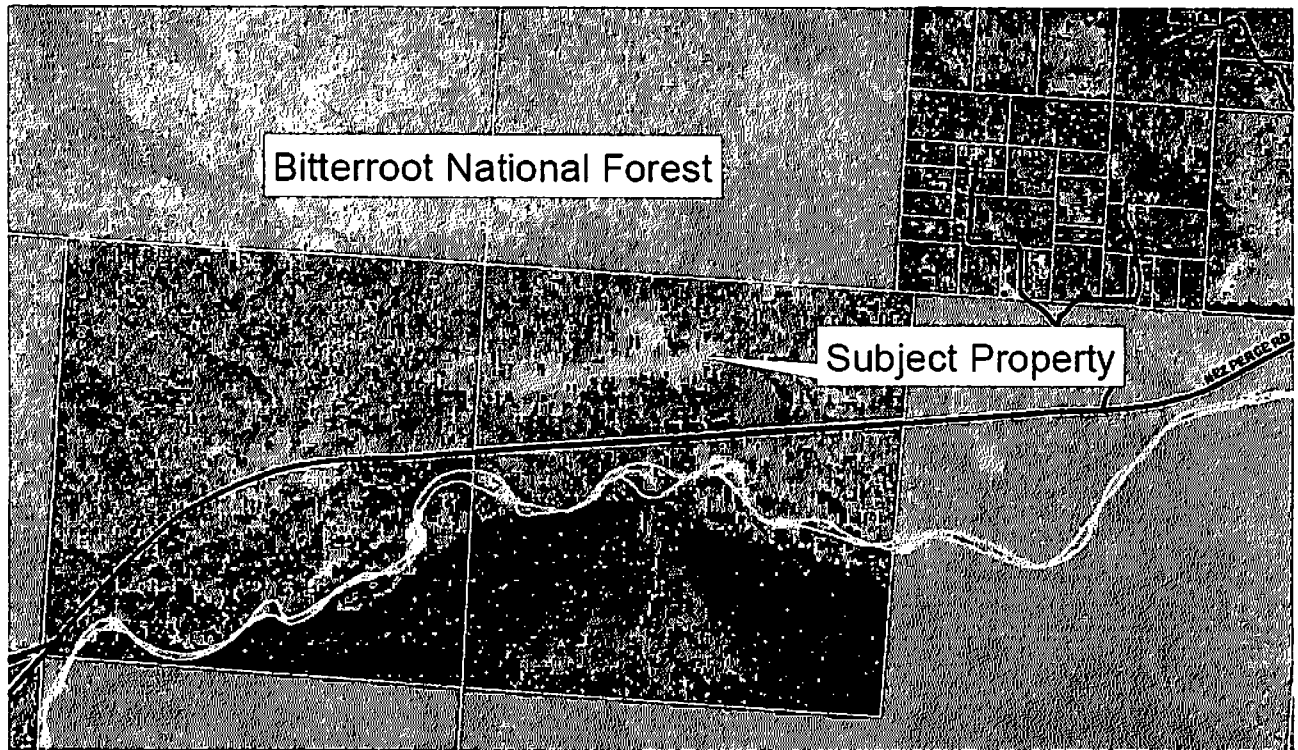
Map 2: Roads Leading to Property
(Source Data: Ravalli County GIS Department)

3. The property is accessed by traveling 14 miles on West Fork Road and two miles on Nez Perce Road. (RC GIS, Map 2)



Map 3: Continuous Heavy Tree Cover
[Hatching represents heavy tree cover that was digitized using an aerial photo]
(Source Data: Ravalli County GIS Department)

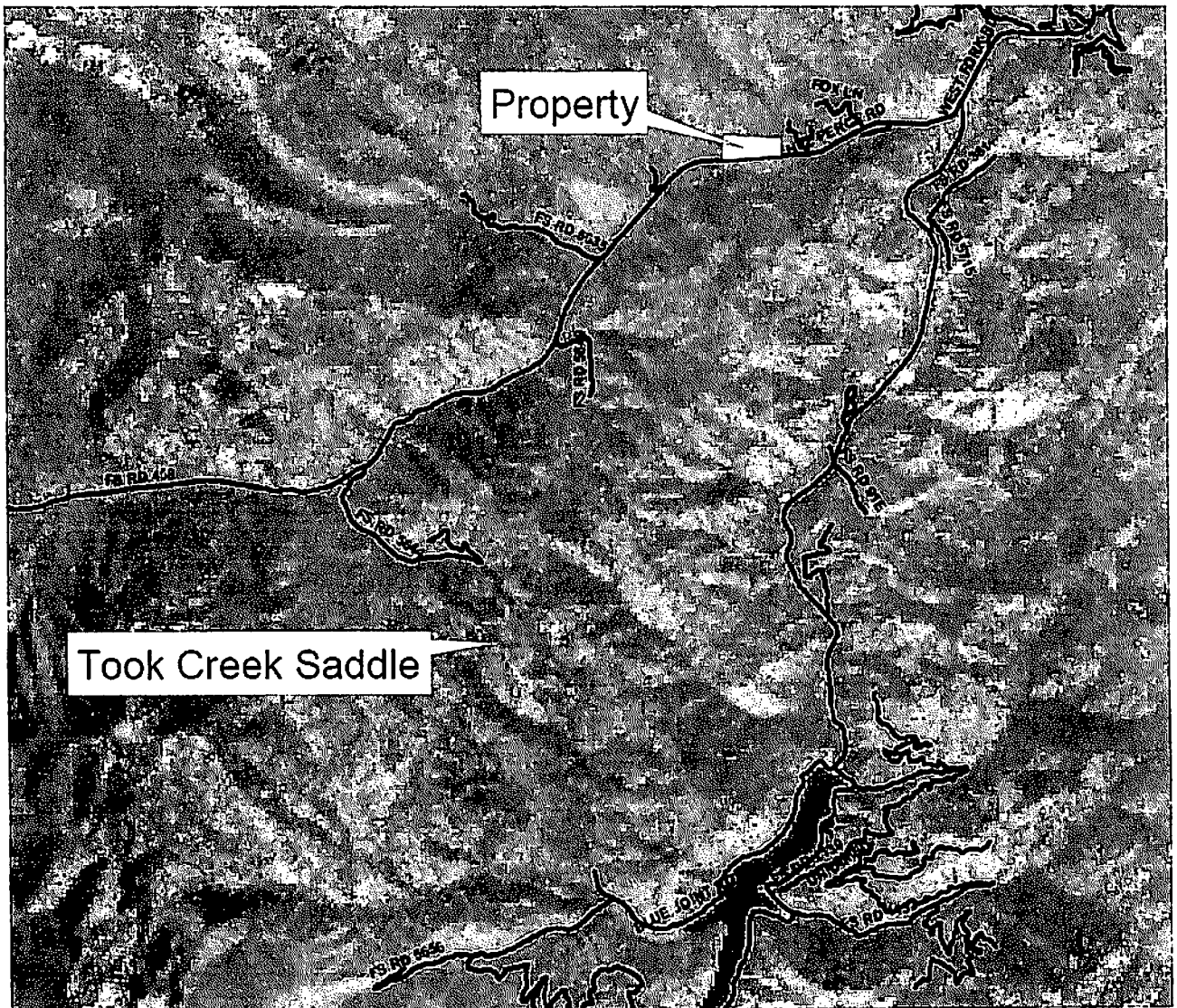
4. There is continuous heavy tree cover located along 14 miles of the only route leading to the property. (RC GIS, Map 3)



Map 4: Location of Bitterroot National Forest
(Source Data: Ravalli County GIS Department)

5. The property is adjacent to the Bitterroot National Forest. (Hayes Variance Application, Map 4)
6. Nez Perce Road is a forest service road currently operated by Ravalli County under a cooperative agreement. (RCRBD, Exhibit A-1)
7. West Fork Road is a county maintained, state owned road. (RCRBD, RCSR (Exhibit A))
8. The applicant states that granting of this variance will have no detrimental effect on the public health, safety or welfare or on adjoining properties since Nez Perce Road is a well constructed, two lane highway with wide shoulders which can easily accommodate the additional traffic that the proposed lot will generate without interfering with emergency service vehicles. (Hayes Variance Application)
9. Nez Perce Road is a well constructed, well maintained road, but it only provides one route outside of the high fire hazard area. If the one route was blocked due to wildfire or a traffic accident, there would be no alternative escape route. (Staff Determination)
10. The problems associated with this variance request are a concern of public health and safety, not a road and bridge issue. (Exhibit A-1)
11. The Ravalli County Subdivision Regulations require that each lot in a subdivision has legal and physical access onto a public or private road that has at least two routes to outside of the high-fire hazard area. Where appropriate, one of the access routes can be considered as a secondary route provided it is: (RCSR Section 5-5-5(a))

- Not used for normal access to the lots;
- Properly signed as a secondary access route; and
- Constructed to allow two-way traffic so fire equipment can move in and people move out. These roads should be coordinated with evacuation plans as may be prepared by the Ravalli County Department of Emergency Services.



Map 5: Roads South & West of Property
 (Source Data: Ravalli County GIS Department)

12. The applicant states that Nez Perce Road connects to a Forest Service road across Took Creek Saddle, which leads to West Fork Road past Painted Rock Reservoir. This road was used by residents of the upper West Fork to avoid delays during the West Fork Road reconstruction

- project, and, like most forest service roads, has occasional turnouts that allow for two-way traffic. (Hayes Variance Application)
13. The applicant has proposed to use the forest service road across Took Creek Saddle as a secondary route outside of the fire hazard area. (Hayes Variance Application, Map 5)
 14. The forest service road across Took Creek Saddle does not appear to meet any of the requirements of the RCSR Section 5-5-5(a). (Staff Determination)
 15. The applicant has not provided evidence that the proposed secondary route meets the criteria contained in RCSR Section 5-5-5(a) particularly regarding the signage and the standards to which it has been constructed. (Staff Determination)
 16. The Ravalli County Department of Emergency Services stated for the safety of any resident living in such a place, a variance would not be a recommended option. (Exhibit A-2)
 17. Alan Tresemer, Painted Rocks Fire Rescue Company, stated that he thought the variance is warranted because both Nez Perce and West Fork Roads are good access roads for responding equipment and escaping residents. No other findings or rationale were provided regarding why a secondary route meeting Section 5-5-5(a) should not be required in this situation. (Exhibit A-3)
 18. There does not appear to be substantiated information, provided either by the applicant or agencies, which indicates the granting of the variance would not be detrimental to public health and safety. (Staff Determination)

Conclusion of Law:

Without findings of fact to prove otherwise, the possibility exists that the granting of the variance will be substantially detrimental to public health and safety, general welfare, and adjoining properties.

- B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.**

Findings of Fact:

1. The application states the proximity of this property to the new West Fork Volunteer Fire District Station and the size and the capacity of Nez Perce and West Fork Roads are unique circumstances that are not generally applicable to other properties in high-fire hazard areas. (Hayes Variance Application)
2. There are numerous properties located in wildland fire hazard areas in the same vicinity that utilize the same roads with only one route out of the area. (RC GIS)

Conclusion of Law:

The conditions upon which the variance is requested are not unique to the subject property.

- C. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These**

conditions shall not result from the past actions of the land's current or previous owner(s).

Findings of Fact:

1. The application states the physical reality of this property being located in a relatively narrow drainage with only one way to get outside of the high-fire hazard area is a unique condition to this property that prevents the applicant from meeting the regulation for two routes out of the area. (Hayes Variance Application)
2. There are a limited number of access roads in the vicinity of the property due to topography. (RC GIS, Staff Determination)

Conclusion of Law:

The topography of the area makes it difficult for the applicant to meet this requirement.

D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.

Findings of Fact:

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2193). The proposed subdivision density of a future subdivision application complies with Resolution 2193.
2. Relevant countywide provisions in the Ravalli County Growth Policy are outlined in italics below. Provisions of the Ravalli County Growth Policy are followed by an analysis (bulleted points) of the variance request against these provisions. (Ravalli County Growth Policy)

Countywide Goal 4: Provide necessary infrastructure and public services to accommodate population growth and new development without undue impacts on the quality, quantity and cost of service to existing residents.

Countywide Policy 4.1: Encourage development that will minimize or avoid additional costs to existing taxpayers.

- The wildland fire hazard design and development standards in the Ravalli County Subdivision Regulations address additional infrastructure requirements deemed necessary in high fire hazard areas. The subdivision regulations require that each lot within the high wildfire hazard area have access to a public or private road that has at least two routes to outside of the high-fire hazard area. The only secondary route suggested by the applicant requires further travel within the high fire hazard area before leaving this hazard zone.
- With only one access out of a wildland fire hazard area, it is possible the volunteer fire department or other agencies providing wildland firefighting assistance, which operate on taxpayer dollars, may need to make an emergency rescue in a fire event to ensure

safety for residents. It also means that additional structures may be added to an area with only one route out and firefighters who may be called upon for structure protection may find themselves at risk.

Countywide Goal 7: Plan for Residential and Commercial Development
Countywide Policy 7.1: Encourage residential and commercial growth adjacent to existing infrastructure.

- The development is located on a well-developed and maintained access route; however, this is the only access directly out of the high-fire hazard area and the subject property is located approximately 23 miles from the town of Darby and 14 miles in an area of continuous heavy tree cover.

Conclusion of Law:

The subdivision proposal complies with applicable zoning regulations, but is not consistent with the adopted Growth Policy.

E. The variance will not cause a substantial increase in public costs.

Findings of Fact:

1. The applicant states granting this variance will not increase public costs since the Nez Perce Road and the West Fork Road are already at or near the established standard and can accommodate the additional traffic generated by the proposed lot. (Hayes Variance Application)
2. The problems associated with this variance request are a concern of public health and safety, not a road and bridge issue. (Exhibit A-1)
3. Development within the high wildfire hazard area that does not meet the special design standards can result in putting residents and fire fighters at risk, which can adversely affect public costs associated with emergency and wildfire suppression services; however, this has not been substantiated by local emergency services providers or the US Forest Service. (Staff Determination)
4. The total cost of fighting fires in Montana for fiscal year 2008 was \$45,244,662. (Montana Department of Natural Resources and Conservation)

Conclusion of Law:

Granting this variance could add to the substantial public costs associated with protecting human lives and structures from wildfire.

Prerequisite Variance Criteria

A. Strict compliance with these regulations will result in undue hardship.

Findings of Fact:

1. The conclusion for Criterion B is that the conditions upon which the variance is requested are not unique to the subject property.
2. The conclusion for Criterion C is that The topography of the area makes it difficult for the applicant to meet this requirement.

Conclusion of Law:

The requirement for a secondary access is not an undue hardship because it is necessary to protect public health and safety.

B. Compliance is not essential to the public welfare.

Findings of Fact:

1. The conclusion for Criterion A is that without findings of fact to prove otherwise, the granting of the variance will be substantially detrimental to public health and safety, general welfare, and adjoining properties.
2. The conclusion for Criterion D is that the subdivision proposal complies with applicable zoning regulations, but does not comply with the adopted Growth Policy.
3. The conclusion for Criterion E is that the granting of the variance could add to the substantial public costs associated with protecting human lives and homes from wildfire.

Conclusion of Law:

A secondary access is essential to public welfare.

C. Overall Conclusion on Hardship and Public Welfare

The variance application does not provide evidence that there is an undue hardship and that compliance with the RCSR is not essential to the public welfare.

Commissioner Grandstaff opened public comment.

Steve Powell stated he is the representative for this property. In order for the owners to remain on the property, they have to generate some income from the property. He gave an overview of the variance request being in a high wildfire hazard area. He reviewed the policy position of the regulations for the two accesses. The requirement for two accesses would apply to the Nez Perce Road since they are in a high fire hazard area. He stated they received comment from Alan Tresemer, Fire Chief of Painted Rocks, testifying to his experience in the Rombo Fires last year and the ability to defend the area. Steve stated in contrast to the Staff Report, the road is not an issue here. Steve stated when you have a fire hazard in the area, you evacuate the whole area. Commissioner Grandstaff expressed her concern of only having one exit from the property in a high fire hazard area. Steve replied he did not feel this would be a 'deal stopper' to this subdivision. Steve said he did not feel the goal of the growth policy was to stop development in the wildland interface. He feels the need to have two accesses in and out of the property is unreasonable.

Commissioner Grandstaff asked what will happen in the future if another subdivision goes in. Commissioner Chilcott stated there are certain limitations of these roads, as they are talking about multiple ways out of this subdivision. Steve stated there are other ways to get out of the area other than the main driveway. Commissioner Grandstaff stated she understand Steve's point with the surrounding roads having only one way in and out.

Commissioner Driscoll stated her concern is with the Forest Service protecting the houses. Commissioner Chilcott stated Alan Tresemer does not have a problem with this road. The property owners have been performing fuel mitigation over the years because they recognize the high hazard area. Commissioner Grandstaff read a letter submitted by Road & Bridge Supervisor David Ohnstad stating he does not see the point of having another access on this road. Commissioner Grandstaff asked if this property has been cleared. Steve replied it has been thinned. Commissioner Grandstaff asked if the owner is planning on further dividing this property. Steve replied no.

Commissioner Thompson stated he has hunted and fished in this area and the Forest Service road across Took Saddle is in exceptional, good gravel road. He discussed signage for access points on the road. He believes this could be used as a secondary road that comes out as an access.

Commissioner Driscoll discussed the lack of building codes that could lessen the cost of fire scenario. Commissioner Grandstaff stated it seems pointless to require another access out of the property since there is only one way out. A future problem could arise if there was another subdivision. Steve stated he understands the Board's concern, but asked if the Board would not allow the people to build in that area. Commissioner Grandstaff stated the Board is not saying there is too much fire in that area, therefore people can't build there. But rather, there is the concern for public health and safety. The Board's responsibility is to ensure everything that can be done, be done to ensure safety.

Commissioner Chilcott stated they are imposing a limitation on development since we are talking about another access on the Nez Perce Road. Commissioner Driscoll stated they need to look at changing the policy to address these issues. Commissioner Chilcott stated the issue today is the variance request in regard to the issue of the wild land fire hazard. He discussed covenants such as metal roofing to address the issue. Commissioner Grandstaff stated the Board cannot change policy on this request. Commissioner Chilcott stated he cannot support the denial of the variance. Commissioner Grandstaff stated she agrees with Commissioner Chilcott. She then reviewed the variance review criteria with the Board.

1. No Adverse Impacts on Public Health, Safety, or General Welfare or Injury to adjoining landowners: Commissioner Chilcott stated item 17 in the first criteria is significant enough to support changing the staff report. **Commissioner Grandstaff, Commissioner Thompson and Commissioner Chilcott agreed with criteria one. Commissioner Driscoll disagreed.**

2. The Reasons for the Variance are Unique to the Property: All Commissioners agreed criteria two are unique. Commissioner Thompson stated the distinction is that Nez Perce and West Fork are substantial roads.

3. Physical Conditions, not due to actions of the Applicant, prevent the Applicant from meeting the Requirements: Commissioner Grandstaff, Commissioner

Thompson and Commissioner Chilcott agreed with criteria three. Commissioner Driscoll disagreed.

4. No Variance from Zoning Regulations or the Growth Policy:

Commissioner Chilcott discussed obtaining voluntary contributions to mitigate the impacts on the Fire District. Commissioner Grandstaff stated it seems like they have to grant this in order not to establish a policy that would affect the entire South Valley. Steve stated there is a distinction of this road being a single lane road. He stated he would not like the Board to get locked into a decision as if this development is denied it will lock all development south of Conner. Commissioner Chilcott stated he does not see additional cost to the tax payers that would not be mitigated or consistent with the growth policy. Commissioner Grandstaff requested Karen's opinion. Karen replied it is up to the Board. Randy stated we would have to remove the finding of fact currently in the staff report and replace it with something that states the variance is in agreement with the growth policy. Commissioner Thompson stated he would have to side with the Staff Report's finding of fact. Karen stated there would need to be the design standards in Section 5-5-5A for signage. She stated the concern is having the signage on the secondary road. Randy stated he could not get to the secondary access in the winter as it is a snowmobile trail. Commissioner Chilcott stated the trail could be used as an emergency access, also noting there are no wildland fires in the winter time. Commissioner Grandstaff stated she disagrees with Commissioner Chilcott's logic.

Steve stated this would make a small impact to the taxpayers. Commissioner Driscoll stated if anyone wanted to know the costs of emergency evacuation, talk to Montana Senator Rick Liable. Steve replied yes something needs to be done but not during a subdivision variance request, which the homeowners assume the risk.

Commissioner Thompson and Commissioner Chilcott agreed with criteria four. Commissioner Grandstaff and Commissioner Driscoll disagreed.

5. No Substantial Increase in Public Costs: Commissioner Driscoll stated the overall cost needs to be considered. Commissioner Grandstaff stated this is not setting precedence with this variance, as the Board reviews the variance requests on a case by case basis. Steve stated the argument of saying the additional houses causing an increase in public costs is 'on thin ice'. Commissioner Thompson stated finding of fact #4 is interesting, but not relevant to this request.

Commissioner Grandstaff, Commissioner Thompson and Commissioner Chilcott agreed with criteria three. Commissioner Driscoll disagreed.

Randy reviewed the revised conclusions and findings of fact the Board had determined:

- A – Without substantial findings of fact the variance will not be detrimental to the public health, safety or general welfare or injurious to other adjoining properties.

- B – The conditions of Nez Perce Road and West Fork Road make this property unique.
- Add 6 & 7 of Criterion A to Criterion B in order to support that conclusion (Nez Perce Road is a forest service road currently operated by Ravalli County under a cooperative agreement. (RCRBD, Exhibit A-1) and West Fork Road is a county maintained, state owned road. (RCRBD, RCSR (Exhibit A)
- C – same
- D – same
- E – Granting this variance will not cause a substantial increase to public costs.

Commissioner Chilcott agreed with Commissioner Thompson that finding of fact # 4 should be removed.

Commissioner Grandstaff requested a vote on the overall variance.

Commissioner Grandstaff, Commissioner Thompson and Commissioner Chilcott agreed with the overall variance. Commissioner Driscoll disagreed.

Commissioner Chilcott made a motion to approve the variance request from Section 5-5-5(a) of the Ravalli County Subdivision Regulations, which requires the applicant to establish at least two routes outside of the high-fire hazard area, based on the findings of fact and conclusions of law in the staff report and here today. Commissioner Thompson seconded the motion. Commissioner Grandstaff, Commissioner Thompson and Commissioner Chilcott voted ‘aye’. Commissioner Driscoll voted ‘nay’.

► Minutes: Glenda Wiles

► In other business the Board met for the following Administrative matters as follows:

- **Commissioner Chilcott made a motion to approve of the February 7th, 25th, 26th, March 6th and 19th minutes as corrected. Commissioner Driscoll seconded the motion and all voted “aye”.**
- The Board discussed the upcoming MACo Conference and breakdown of responsibilities that will be held here in Hamilton between September 21st and September 25th.
- The Board discussed Bitterroot Economic Development District Inc. (BREDD ‘s) request for a letter and financial support in the amount of \$1,000 for the assessment of communications and engineering for infrastructure (this includes all types of communications, email, radio and cell phone within our county).

Commissioner Chilcott made a motion to write a letter of support and give \$1,000 for financial support. Commissioner Driscoll seconded the motion and all voted "aye".

► The Board held a Department Head meeting with various department heads. Issues discussed were as follows:

- Shredding of documents. Glenda will contact Recall Shredding in order to have this service provided. Cost is \$4.00 per box with a small administrative fee. It was agreed the shredder will go to Kane Street south of the Fairgrounds in order to empty out the Clerk and Recorder's space. For any department that does not clean out their boxes, they will be charged per box. The shredder will then come to the Courthouse and Administrative Building. 400 boxes are anticipated.
- Under Sheriff Kevin McConnell is available to put on an hour long class for any department on Violence in the Work Place. Glenda presented some handouts from the Personnel Manual and from the State of Montana.
- Update on 9-1-1: Glenda is preparing the RFQ for the architectural services. The new 9-1-1 center will be placed in the basement on the north end.
- Upcoming schedule for performance contract with Johnson Controls – hand out of time line for work to be performed at Courthouse and Administrative Center
- Other issues: IT Director Joe Frolich will check with the long distance carrier in regard to the collect call policy.

► The Board met with Internal Auditor Klarryse Murphy and Comptroller Jana Exner in regard to Fiscal Year 2008/09 budget. Numerous Department Heads were present for this discussion.

Klarryse discussed FY 2008 revenues with 66% of the year completed. She stated revenues are pretty much on tract; however she did not run the Sheriff's Office. In regard to troubled areas in the General Fund, Klarryse addressed the Public Health Nurse and the fact that only 50% of the monies were collected for the flu vaccinations. Hopefully by June 30th Medicare will pay their portion.

Klarryse also noted they are projecting that Clerk & Recorder will be below their anticipated revenue by \$80,000 due to the fall in the housing market which has created an increase in foreclosures and a decrease in loans. Justice Courts fines area also down \$20-25,000 in each court. It was noted there is a large decrease in tickets from MHP because compliance checks are down. This apparently is a state wide concern.

Klarryse stated the investment income for the county was \$400,000 but it sunk in 2002 to \$20,000 because of the interest rate crash. In regard to Planning; administrative fees for subdivision related fees were estimated at \$105,000 which is only at \$42,000 with four months left in the year. She anticipates this being about \$40,000 low at the end of the year.

Public Safety estimated \$115,000 in revenues for Board of Prisoners; thus far they have only collected \$44,000. An offset is that SRO and miscellaneous contributions are up. Wanda noted some of the revenues are reimbursements for wages so it won't be actual revenue. For General Fund they year is at 66%, and the county has collected 56%, but taxes are due May 31st.

In regard to FY 2009 budget requests, Klarryse indicated the Commissioners are looking into zero-based budgeting versus the practice of incremental budgeting (which is what we currently use). (See attached memo). She stated zero-based budgeting brings on more efficiency, priorities, etc. According to numerous statistics, many budgets that utilize incremental budgeting end up getting out of line and out of hand. Zero based budgeting is a good way to bring it back in line. Currently COLA is set at 2.8%.

Discussion also included groupings of departments that work closely together. Agreed to start budget hearings May 2nd and try to end on May 16th.

In regard to a Capital Improvement Program, the Commissioners would like to start this program because in order to enact impact fees this must be in place. An estimate would be \$50,000 and could be funded over a two year budget cycle.

► Sue McCormick and Kathy Good of the Bitterroot Humane Society were now present to address their monies that are contributed by the county for FY 2008. Also present was County Attorney George Corn. Sue stated the liens of \$70,000 and \$80,000 were released against the county and they would like their \$30,000 contribution to community. George confirmed these liens against the county were released. Sue stated last year the Commissioners granted the Humane Society \$30,000 during the budget year, however they have not received this contribution as the monies were 'held hostage just because of liens'. Commissioner Chilcott stated the county stopped some contribution to communities because of certain statutes. This \$30,000 contribution was based upon the agreement to take care of the animals. After the budget year was set, the Human Society then filed the liens, so the Commissioners felt the services were not being provided due to the liens.

Sue stated some animals were being brought to them and the foster care workers ended up paying for the animal care. Commissioner Grandstaff and Commissioner Driscoll indicated the Board took the County Attorney's advice in not paying the \$30,000 contribution in light of 1984 agreement with the Humane Society.

Kathy stated when they have an increase of animals, how can they exist on the county contribution of \$30,000. Commissioner Chilcott stated they should have a Memorandum of Understanding (MOU) to define the roles, costs etc. Commissioner Chilcott stated the County can not give the Humane Society a blank check. Sue stated the \$30,000 was their annual monies and the 12 horses they took in was "not business as usual". She stated they must be given some money for the care of those horses. Kathy stated fortunately the public stepped up and took some of the horses. Commissioner Chilcott stated the people who abused these animals should be responsible for these costs, not the taxpayer. Sue

stated she will have Attorney Jennifer Lint prepare the MOU, with the hope that the MOU can be settled prior to the 2009 budget requests.

► County Attorney George Corn and Deputy County Attorney Karen Mahar visited with the Commissioners in regard to advertising for an attorney position. George indicated this Attorney would not be hired until September. They are also looking at hiring another receptionist. George will bring the costs of two FTE to the Commissioners for a continued discussion of moving forward. Discussion also included space utilization at the courthouse for another attorney. The pool of applicants was also discussed, in regard to advertising right after the bar exam. George agreed they would not need another office, because the Deputy County Attorney will have the civil office at the Administrative Center. Commissioner Chilcott stated he wanted the 'seasoned attorney' at the Administrative Center and not the new attorney. George concurred, as the pace of civil issues has picked up. George reminded the Commissioners that if they want good advice; they need to understand good advice takes a lot of research.